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**FISCAL IMPACT STATEMENT**

**LS 6155**

**BILL NUMBER:** SB 258

**NOTE PREPARED:** Feb 22, 2008

**BILL AMENDED:** Feb 21, 2008

**SUBJECT:** Discharge of Long-Term Inmates and Electronic Copies of Sentencing Information.

**FIRST AUTHOR:** Sen. Waterman

**FIRST SPONSOR:** Rep. V. Smith

**BILL STATUS:** CR Adopted - 2nd House

**FUNDS AFFECTED:** X **GENERAL**  
**DEDICATED**  
**FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** (Amended) This bill has the following provisions:

- A. It requires the Department of Correction (DOC) to provide for an automatic, one-time review of the sentence of a long-time inmate who has not been convicted of a violent offense to determine whether the inmate has been rehabilitated and has suitable plans that would warrant discharge from custody.
- B. It also requires an inmate released by the DOC to be placed on parole.
- C. It allows a court to: (1) send copies of certain reports relating to the conviction of an individual to the DOC; and (2) certify copies of judgments of conviction and sentences to receiving authorities; through any electronic means approved by the DOC.

**Effective Date:** July 1, 2008.

**Explanation of State Expenditures:** Depending on the decisions made by the sentence review panel, this bill may reduce the number of offenders in Department of Correction facilities in the long term and increase the number of offenders who may need to be supervised on parole. Operations of a review panel may involve some meeting and travel reimbursement costs based on panel membership as determined by the DOC.

As of October 22, 2007, there were 11 offenders who had been imprisoned in DOC facilities for 25 years or longer (as specified in the bill) who might be eligible to be released under this bill. Their average age on January 25, 2008, was 54.

Education and conduct are two of the criteria that DOC may consider when deciding to grant an early release. According to DOC records, none of these offenders have either a high school diploma or a GED. Ten of these 11 offenders were in the highest conduct group, the Credit Class I behavioral group, which receives one day

of credit time for each day incarcerated.

Other criteria DOC may consider include, but are not limited to, assurance of suitable living quarters when the offender is released and proof of job offers from local employers where the offender would reside. There was no information available about these offenders' prospects for employment or other family or community support.

Cost Savings for DOC – Depending on the number of offenders who are released, the state could save between \$1,825 and \$19,185 per offender. The marginal cost of \$1,825 would apply if only a few offenders are released due to this provision. This amount represents the marginal cost of housing offenders in existing facilities with no additional staff, and avoiding having to provide medicines, food, and clothing for these offenders who are released. If a significant number of offenders are released, the state could save as much as \$19,185 per offender. This savings can occur if DOC facilities can avoid paying for personnel, including correctional officers, program staff, and other support staff, as well as avoiding having to provide food, clothing, and medicines for these offenders.

Since, at most, eleven offenders would qualify for this reduction, parole expenses would likely be minimal if all eleven were released.

Background– Crimes of violence are defined by IC 35-50-1-2 to include:

- (1) murder (IC 35-42-1-1);
- (2) attempted murder (IC 35-41-5-1);
- (3) voluntary manslaughter (IC 35-42-1-3);
- (4) involuntary manslaughter (IC 35-42-1-4);
- (5) reckless homicide (IC 35-42-1-5);
- (6) aggravated battery (IC 35-42-2-1.5);
- (7) kidnapping (IC 35-42-3-2);
- (8) rape (IC 35-42-4-1);
- (9) criminal deviate conduct (IC 35-42-4-2);
- (10) child molesting (IC 35-42-4-3);
- (11) sexual misconduct with a minor as a Class A felony under IC 35-42-4-9(a)(2) or a Class B felony under IC 35-42-4-9(b)(2);
- (12) robbery as a Class A felony or a Class B felony (IC 35-42-5-1);
- (13) burglary as a Class A felony or a Class B felony (IC 35-43-2-1); or
- (14) causing death when operating a motor vehicle (IC 9-30-5-5).

### **Explanation of State Revenues:**

**Explanation of Local Expenditures:** (Revised) This bill would add a series of documents that the sentencing court would send to the Department of Correction. Under current law, these documents are presumably sent by postal service but as proposed, these documents could be sent by electronic mail.

The bill's effect on the administrative practices of the sentencing courts will be based on the following factors:

- The capacity of each sentencing court to e-mail these documents to the Department of Correction.
- The number of offenders committed from each county.

Counties with e-mail capacity should be able to e-mail these documents to the DOC with little or no added

expense and could save postal expenses. Counties with limited computer capabilities are generally in rural areas. Counties in rural areas commit relatively fewer offenders to DOC.

**Background:** To illustrate, LSA examined the number of offenders who were committed to DOC from each county in FY 2007. The number of offenders committed to DOC ranged from a low of 2 offenders for the entire 12 months in Martin County, to a high of 4,872 in Marion County.

The following table summarizes these findings:

<b>Average Number of Offenders Committed to DOC Per Week in FY 2007</b>	
<b>Frequency Per Week</b>	<b>Counties</b>
One offender or less.	Benton, Blackford, Brown, Carroll, Cass, Clay, Clinton, Crawford, Daviess, Decatur, Dubois, Fayette, Fountain, Franklin, Fulton, Gibson, Greene, Hancock, Jackson, Jasper, Jay, Jefferson, Knox, Lagrange, Lawrence, Martin, Miami, Montgomery, Newton, Ohio, Orange, Owen, Parke, Perry, Pike, Posey, Pulaski, Randolph, Ripley, Spencer, Steuben, Sullivan, Switzerland, Tipton, Union, Vermillion, Warren, Warrick, Washington, Wells, White, Whitley
More than one offender, less than three.	Adams, Boone, Clark, Dekalb, Floyd, Grant, Harrison, Henry, Howard, Jennings, Kosciusko, Laporte, Marshall, Morgan, Noble, Porter, Putnam, Rush, Scott, Shelby, Starke, Tippecanoe, Wabash
More than three offenders, less than five.	Bartholomew, Dearborn, Delaware, Hamilton, Hendricks, Huntington, Monroe, Noble
More than five offenders, fewer than ten.	Johnson, Lake, Madison, St. Joseph, Vanderburgh, Vigo, Wayne
More than ten offenders.	Allen, Elkhart, Marion

**Explanation of Local Revenues:**

**State Agencies Affected:** DOC.

**Local Agencies Affected:** Trial courts with criminal jurisdiction.

**Information Sources:** DOC.

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